

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DERRICK JEROME ALLEN (#295151)

CIVIL ACTION

VERSUS

NO. 10-753-JJB-DLD

KIP HOLDEN, ET AL.

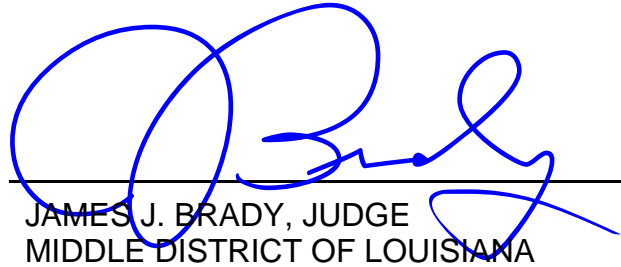
RULING

The court has carefully considered the petition, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Docia L. Dalby dated August 26, 2011 (doc. no. 78). The plaintiff filed an objection which merely restates his prior argument and has been duly considered.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein. Accordingly, the court declines to exercise supplemental jurisdiction over the plaintiff's state law claims, and the Motion to Dismiss of defendant Richard Anderson (doc. no. 31) is granted, DISMISSING the plaintiff's claims asserted against this defendant, with prejudice. Further, the plaintiff's claims asserted against the remaining defendants are DISMISSED pursuant to 28 U.S.C. § 1915A, with the exception of the plaintiff's claim asserted against defendants Sheriff Greg Phares, Sheriff Elmer Litchfield, Warden Willie R. Douglas, Sgt. Mike Herpich, Lt. Rock Perkins, Lt. Melissa Herpich, Sft. Marento and Dpty. Rudy Hyde, in their individual capacities, that these defendants violated his constitutional rights by housing him in a cell without running water between March 16 and June 1, 2007. This dismissal is made without prejudice to any state law

claims which the plaintiff may have. Further, the Motion to Dismiss of Mayor Kip Holden and the City of Baton Rouge (doc. no. 24) is DENIED AS MOOT, and this matter is referred back to the Magistrate Judge for further proceedings.

Baton Rouge, Louisiana, October 5, 2011.



JAMES J. BRADY, JUDGE
MIDDLE DISTRICT OF LOUISIANA